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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/351,160	07/12/1999	MASAAKI NISHIJIMA	0819-261	9367
	7590 07/17/2002			
GERALD J FERGUSON JR			EXAMINER	
SIXBEY FRIEDMAN LEEDOM & FERGUSON P C 8180 GREENSBORO DRIVE			OWENS, DOUGLAS W	
SUITE 800		ART UNIT	PAPER NUMBER	

2811

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Applicant(s)   App				11/				
Examiner   Dauglas W Owens   2811			Application No.	Applicant(s)				
Douglas W Owens 2811  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Earning of the map by a syelded summer the aprovisions of 3°C R*1.33(a). In no event, however, may a reply be timely filed a secondared timely.  If the period for reply specified store is less than thirty (30 days, a ray within the statistary minimum of thirty (30) days will be considered timely.  If the period for reply specified active is less than thirty (30 days, a ray within the statistary minimum of thirty (30) days will be considered timely.  If the period for reply specified active is less than thirty (30 days, a ray within the statistary minimum of thirty (30) days will be considered timely.  If the period for reply specified active is less than thirty (30 days, a ray within the statistary minimum of thirty (30) days will be considered timely.  If the period for reply specified active is less than the period price of the communication of the statistic properties of the properties of the communication of the statistic properties of the communication of the statistic properties of the	Office Action Summary		09/351,160	NISHIJIMA, MASAAKI				
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Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE   MONTH(S) FROM  THE MAILING DATE OF THIS COMMUNICATION.  - det SIX (8) MONTH'S from the mailing date of the communication.  - if the period from the provided above, the inscriminal maturity period will apply and will expert SIX (8) MONTH'S from the mailing date of the communication.  - if the period from the period above, the inscriminal maturity period will apply and will expert SIX (8) MONTH'S from the mailing date of this communication.  - if the period for may be seedled above, the inscriminal maturity period will apply and will expert SIX (8) MONTH'S from the mailing date of this communication.  - if the period for may be seedled above, the inscriminal affect the first of the period will apply and will expert SIX (8) MONTH'S from the mailing date of this communication.  - Any only received by the difficient from this time manufaction affect the period will apply and will expert SIX (8) MONTH'S from the mailing date of this communication.  - Any only received by the difficient from the transminal affect the first of the communication, even if immery field, may reduce any security and the period of the communication is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  - 4  Of the above claim(s)		T	<del>-</del>					
THE MAILING DATE OF THIS COMMUNICATION.  Editaristions of time may be available under the provisions of 37 CPR 1.136(a). In or event, however, may a righty be timely filled after SX. (6) MONTHS from the mailing date of this communication of the provision of the provision of the statutory minimum of thisty (20) days will be considered timely.  If NO period for regly is quelled above, the mailmost mailable priored that gash and will expert will be provided by the Disc or extended prior of the righty will, the statutory minimum of thisty (20) days will be considered timely.  Fallow to reply within the set or extended prior of the righty will, by statute, causes the application to become ADANDONED (35 U.S.C. § 133).  Any rody received by the Orizon active that mail read mailing date of this communication, even if timely filled, may reduce any.  Status  1)② Responsive to communication(s) filled on 15 April 2002.  2a)② This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Clalms  4) Claim(s) 23-27.29.32 and 33-40 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 23-27.29.32 and 35-40 is/are allowed.  6) Claim(s) 34 is/are rejected.  7) Claim(s) is/are objected to.  3) Claim(s) mare subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filled on 12 July 1999 is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawings be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 3	Period fe	The MAILING DATE of this communication app or Reply	ears on the cover sheet with the c	orrespondence address				
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3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 23-27.29.32 and 34-40 is/are pending in the application.  4a) Of the above claim(s) is/are pending in the application.  5)  Claim(s) 23-27.29.32 and 35-40 is/are allowed.  6)  Claim(s) 34 is/are rejected.  7)  Claim(s) is/are objected to.  8)  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) □ The proposed drawing correction filed on is: a) □ approved b) □ disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) □ The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of:  1. □ Certified copies of the priority documents have been received.  2. □ Certified copies of the priority documents have been received in Application No  3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  See the attached detailed Office action for a list of the certified copies not received.  14) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) □ The translation of the foreign language provisional application has been received.  15) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121.  Attachment(s)  Notice	1)⊠	Responsive to communication(s) filed on 15 A	<u>pril 2002</u> .					
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Application/Control Number: 09/351,160 Page 2

Art Unit: 2811

#### **DETAILED ACTION**

#### **Drawings**

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the two dielectric layers with mutually different dielectric constants, as required in claim 34, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claim 34 is rejected under 35 U.S.C. 102(e) as being anticipated by US patent No. 6,211,561 to Zhao.

Application/Control Number: 09/351,160

Art Unit: 2811

Zhao teaches a semiconductor device, comprising:

a conductor layer (16B, 16C);

a dielectric film (18, 26) on the conductor layer;

a conductor line (32) on the dielectric film; wherein

the conductor layer is not formed in a region directly below the conductor line but in both sides of said region; and

the dielectric film comprises two layers with different dielectric constants.

#### Allowable Subject Matter

4. Claims 23-27, 29, 32 and 35-40 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter: the most closely related art, US patent No. 6,046,503 to Weigand et al. teaches a teaches a semiconductor device, comprising a conductor layer, a dielectric film that is a composite of two layers, and a conductor line. Weigand et al. does not teach a composite dielectric film comprising a first dielectric film and a second dielectric film on the side portions of the first dielectric film wherein the first and second dielectric films have different dielectric constants. Nor does Weigand et al. teach a composite dielectric film wherein one of the dielectric films comprising the composite film has a dielectric constant larger than 10.

#### Response to Arguments

6. Applicant's arguments with respect to claim 34 have been considered but are most in view of the new ground(s) of rejection.

Page 3

Application/Control Number: 09/351,160

Art Unit: 2811

#### Conclusion

Page 4

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas W Owens whose telephone number is 703-308-6167. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on 703-308-2772. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Application/Control Number: 09/351,160

Art Unit: 2811

Page 5

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

DWO July 8, 2002 Steven Loke Primary Examiner

Loke